

CHAPTER NO. 1083

HOUSE BILL NO. 3201

By Representatives Odom, Hood

Substituted for: Senate Bill No. 2959

By Senator Gilbert

AN ACT to amend Tennessee Code Annotated, Title 11, Chapter 3 and Title 55, Chapter 4, Part 1, to enact "The State Park Funding Act of 1998".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. It is the legislative intent that people who use the state parks be given the opportunity to voluntarily contribute to the maintenance, renovation, promotion, expansion, recreational and educational programs, and operations of such parks. Each state park shall provide a collection point, box or other suitable arrangement at which park users may make donations to the state park fund with the exception of those state parks that the Commissioner of the Department of Environment and Conservation may certify as not being suitable for the collection of such fee.

SECTION 2. Tennessee Code Annotated, Title 11, Chapter 3, is amended by adding Sections 3 through 5 of this act as a new Part 3 thereto.

SECTION 3.

(a) There is created a special agency account in the state general fund to be known as the "state park voluntary contribution fund", hereinafter referred to in this act as the "fund".

(b) Any fund balance remaining unexpended at the end of a fiscal year in the fund shall be carried forward into the subsequent fiscal year.

(c) Interest accruing on investments and deposits of the state park fund shall be carried forward into the subsequent fiscal year.

(d) Unless otherwise specified in this act, the funds realized from voluntary contributions generated from the operation of state parks under the control or supervision of the division of parks, shall be deposited in the fund. No part of the fund shall be diverted to the general fund or any other public fund.

(e) Monies in the fund shall be invested by the State Treasurer in accordance with the provisions of Section 9-4-603. The fund shall be administered by the Commissioner of Environment and Conservation.

(f) Monies in the fund shall only be expended and obligated in accordance with appropriations made by the General Assembly.

(g) Monies in the fund shall only be expended in accordance with the provisions of this act.

(h) The fund is authorized to accept only voluntary donations or local and/or private voluntary funds.

SECTION 4. The fund shall be used for expenditures for state parks, including, but not limited to:

- (1) The administration of state parks;
- (2) The purchase of lands and rights therein suitable for management by the division of state parks;
- (3) The renovation, equipment, maintenance and upkeep of managed property and all buildings and structures related thereto;
- (4) The construction of suitable buildings, recreation facilities, parking lots, trails, campgrounds, picnic areas, scenic areas, cabins, inns, golf courses, swimming facilities, restaurants, marinas, docks and structures necessary for the use and enjoyment of state parks;
- (5) The promotion, advancement and efficient management of state parks and their resources, including educational activities to that end; and
- (6) Any other purpose determined by the Commissioner of Environment and Conservation to be necessary or beneficial to implement the provisions of this title.

SECTION 5. No voluntary contributions or donations made pursuant to the provisions of this act shall be used to pay salaries of employees or administrators of such state parks.

SECTION 6. Tennessee Code Annotated, Title 11, Chapter 3, Part 1, is amended by adding the following as a new, appropriately designated section:

(a) The Department of Environment and Conservation is hereby directed to formulate a long-range plan, hereinafter referred to as a "master plan". Such master plan shall include the following:

- (1) Funding requirements for state parks;
- (2) Facilities preservation, maintenance and utilization;
- (3) Management and personnel staffing, training, compensation and professional development;
- (4) Preservation, development and expansion of existing and new park resources;
- (5) Educational programming; and
- (6) Land requisition.

(b) The master plan shall include goals and projections for state parks for the next ten (10) years and shall be updated each five (5) years by the department. The initial master plan shall be submitted for review and comment to the House Conservation and Environment committee and the Senate Environment, Conservation and Tourism committee prior to March 1, 1999 and before March 1 of each subsequent year in which there is an update or amendment. Prior to submitting the plan to the appropriate committees of the General Assembly, the department shall conduct public hearings after public notice has been given in accordance with Title 8, Chapter 44. Public hearings

shall be conducted in each of the nine (9) development districts of the state regarding the components of the master plan, its update each five (5) years and any major interim revisions to the master plan. The plan shall also be submitted to the Tennessee Environmental Council and the Tennessee Recreation and Parks Association for review and comment prior to the plan's submission to its applicable committees. The department shall submit by March 1 of each year to the appropriate legislative committees, a report outlining any major deviations from the master plan in the previous year and the reasons therefor.

(c) The department shall not commence construction on any new capital project which costs in excess of one hundred thousand dollars (\$100,000.00) in the state parks if not provided for in the master plan, until the plan has been amended as provided herein and the project has been approved by the state building commission. The construction costs for such new capital projects other than those provided for in the master plan shall not be funded until the plan is appropriately amended. Such amendment may be made after holding one public hearing in the area of the park or parks affected by the change, providing a copy of the proposed change to the non-profit organizations and the members of the legislative committees referred to in subsection (b) and considering all comments received.


SECTION 7. This act shall take effect July 1, 1998, the public welfare requiring it.

PASSED: May 1, 1998


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 19th day of May 1998


DON SUNDQUIST, GOVERNOR